REMARKS

Applicant has carefully reviewed and considered the Final Office Action mailed on September 2, 2004, and the references cited therewith.

Claims 1-4, 8-11, and 15-16 are amended, no claims are canceled, and claims 21 and 22 are added; as a result, claims 1-21 are now pending in this application.

Applicant respectfully submits that claims 21 and 22 do not introduce new subject matter and are intended to cover additional claimable subject matter fully supported by the originally filed specification.

Applicant amended claims 1-4, 8-11, and 15-16 to more clearly recite the claimed subject matter. Applicant respectfully submits that no new matter was introduced in amended claims 1-4, 8-11, and 15-16. Support for the amendment can be found throughout the Applicant's specification as originally filed. For example, support can be found, but not limited to, on page 7, lines 5-15 of the Applicant's specification.

§102 Rejection of the Claims

Claims 1-3, 5, 8-10, 12, 15, and 18 were rejected under 35 USC §102(e) as being anticipated by Jeyachandran, et al. (U.S. Patent No. 6,567,176).

Independent claim 1

Applicant does not admit that the Jeyachandran reference is indeed prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant believes the presented claims are distinguishable from the Jeyachandran reference for at least the following reasons.

In the present office action, dated September 2, 2004, the Examiner recited col. 26, lines 5-15 of the Jeyachandran reference to show requesting that a user input a delay criteria. Jeyachandran appears to describe two options for a user when a color printer is busy. That is, according to the Jeyachandran reference, the user is presented with only two options when a printer is busy; "Wait, or print in monochrome?" (See col. 26, lines 9-12).

In contrast, Applicant's independent claim 1, as amended, recites in part "requesting that a user input a set time for an operation". Support and definition for the "set time" is clearly provided in the Applicant's specification at page 7, lines 5-8.

For example, a set time for an operation can include a <u>specified or specific</u> user chosen date and hour and minute, e.g., September 27, 2002 at 5:42 am.

The Jeyachandran reference does not teach providing the ability to the user to enter <u>a set time for the operation</u> as recited by Applicant's independent claim 1, as amended. Applicant respectfully submits that providing a user with only two options, e.g., to wait an <u>unspecified</u> period of time until a printer is available <u>or</u> to select a different printer, is not equivalent to "requesting that a user input <u>a set time for the operation.</u>"

As such, Applicant respectfully submits that each and every element of Applicant's independent claim 1, as amended, is not taught in the Jeyachandran reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection for independent claim 1 as well as those claims which depend therefrom.

Independent claim 8

Additionally, in the present office action, the Examiner recited col. 26, lines 5-15 of the Jeyachandran reference as describing each and every limitation of Applicant's independent claim 8.

Applicant's independent claim 8, as amended, includes the element of "requesting that a user input a set time for the operation" as is present in independent claim 1. For the reasons provided above in connection with Applicant's independent claim 1, Applicant respectfully submits that the Jeyachandran reference does not teach each and every element of Applicant's independent claim 8.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection for independent claim 8 as well as those claims which depend therefrom.

Independent claim 15

In the present office action, the Examiner recited col. 26, lines 5-15 of the Jeyachandran reference as describing each and every limitation of Applicant's independent claim 15.

Applicant's independent claim 15, as amended, includes the element of "a user-programmable delaying device to receive a set time for an operation entered by a user". The programmable delaying device recited in Applicant's independent claim 15, can function to receive input from a user indicating a set time for the operation, such as 5:42 am. (See Applicant's specification at page 7, lines 5-8)

For the reasons provided above in connection with Applicant's independent claim 1, Applicant respectfully submits that the Jeyachandran reference does not teach a device to receive a "a set time for an operation" and as such, each and every element of Applicant's independent claim 15, as amended, is not present in the reference.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection for independent claim 15, as amended, as well as those claims which depend therefrom.

Claims 1, 2, 4, 8, 9, and 11 were rejected under 35 USC § 102(e) as being anticipated by Mullaly, et al. (U.S. Patent No. 6,304,909).

Applicant does not admit that the Mullaly reference is indeed prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant believes the presented claims are distinguishable from the Mullaly reference for at least the following reasons.

Independent claim 1

In the present office action, dated September 2, 2004, the Examiner recited col. 5, lines 1-52 of the Mullaly reference as describing each and every limitation of Applicant's independent claim 1.

Applicant does not admit that the Mullaly reference is indeed prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant believes the presented claims are distinguishable from the Mullaly reference for at least the following reasons.

The Mullaly reference appears to describe web server software that allows a user to choose <u>user preferences</u> such as using a default setting or to configure a setting for controlling when or how web pages are downloaded. These <u>user preferences</u> are configured prior to requesting a particular webpage. Thus, according to the Mullaly reference, if a requested web page takes more than 30 seconds to download, for example, the <u>previously chosen user preferences</u> control the download. That is, controlling the download is based upon previously chosen user preferences that are configured prior to requesting the web page download. (See col. 5, lines 39-45).

In contrast, Applicant's independent claim 1, as amended, recites in part "requesting that a user input a set time for the operation after initiation of the operation". As discussed above, the Applicant's specification clearly describes this

amended element. The Mullaly reference does not teach "requesting that a user input a set time for the operation after initiation of the operation".

As such, Applicant respectfully submits that each and every element of Applicant's independent claim 1 is not taught in the Mullaly reference.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection for independent claim 1, as amended, as well as those claims which depend therefrom.

Independent claim 8

Additionally, in the present office action, dated September 2, 2004, the Examiner recited col. 5, lines 1-52 of the Mullaly reference as describing each and every limitation of Applicant's independent claim 8.

Applicant's independent claim 8, as amended, includes the element of "requesting that a user input a set time for the operation after an initiation of an operation" as is present in independent claim 1. For the reasons provided above in connection with Applicant's independent claim 1 and the Mullaly reference, Applicant respectfully submits that the Mullaly reference does not teach each and every element of Applicant's independent claim 8.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection for independent claim 8 as well as those claims which depend therefrom.

Claims 1, 2, 5, 7-9 and 12-20 were rejected under 35 USC § 102(b) as being anticipated by Matsumoto, et al. (U.S. Patent No. 5,754,744).

In the present office action, dated September 2, 2004, the Examiner recited col. 10, lines 13-23 of the Matsumoto reference to show requesting that a user input a delay criteria. The Matsumoto reference appears to describe the setting of various printing related "time zones." The "time zones" are pre-set according to various characteristics including: (1) prohibited time zones, (2) reserved time zones, (3) print start time zones, and (4) time required for printing time zones, among others. And, printing occurs based on the pre-set time zones. (See col. 10, lines 25-65 of the Matsumoto reference).

According to the Matsumoto reference, a user can send a print document to a printer, and based upon various preset time zones, if the a print is needed by 10:00 am, a print time zone can be set to start printing somewhere between 8:30 and 9:30. Additionally, according to the Matsumoto reference, a print start time can be any

time excluding the prohibited preset time zone, e.g., busy time zone of ordinary printing. (See col. 10, lines 45-55 of the Matsumoto reference). In other words, the Matsumoto reference appears to describe time zones that are pre-set, i.e., configured prior to an initiation of an operation, such as a print command.

In contrast, Applicant's independent claim 1, as amended, recites in part "requesting that a user input a set time for an operation after initiation of the operation". As discussed above, the Applicant's specification clearly describes this amended element. For example, at page 7, lines 5-8 of the Applicant's specification, a set time for an operation can include a user chosen date and hour and minute, e.g., September 27, 2002 at 5:42 am. Indeed, requesting that user input a set time for printing after initiation of an operation, which can include a user chosen hour and minute, is not a "time zone" as described in the Matsumoto reference. That is, the Matsumoto reference does not describe "requesting that a user input a set time for the operation after an initiation of an operation".

The Matsumoto reference does not teach requesting that a user input a set time for an operation after initiation of the operation. As such, Applicant respectfully submits that each and every element of Applicant's independent claim 1 is not taught in the Matsumoto reference.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection for independent claim 1, as amended, as well as those claims which depend therefrom.

Independent claim 8

Additionally, in the present office action, the Examiner recited col. 10, lines 13-23 of the Matsumoto reference to show requesting that a user input a delay criteria. Applicant's independent claim 8, as amended, includes the element of "requesting that a user input a set time for the operation" as is present in independent claim 1. For the reasons provided above in connection with Applicant's independent claim 1 and the Matsumoto reference, Applicant respectfully submits that the Matsumoto reference does not teach each and every element of Applicant's independent claim 8.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection for independent claim 8 as well as those claims which depend therefrom.

Independent claim 15

Additionally, in the present office action, the Examiner recited col. 10, lines 13-23 of the Matsumoto reference to show a user-programmable delaying device to receive a delay criteria.

Applicant's independent claim 15, as amended, includes the element of "a user-programmable delaying device to receive a set time for an operation entered by a user after an initiation of the operation". The programmable delaying device recited in Applicant's independent claim 15, can function to receive input from a user indicating a set time for the operation such as 5:42 am.

For the reasons provided above in connection with Applicant's independent claim 1 and the Matsumoto reference, Applicant respectfully submits that the Matsumoto reference does not teach a device to receive "a user-programmable delaying device to receive a set time for an operation entered by a user after an initiation of the operation" and as such, each and every element of Applicant's independent claim 15, as amended, is not present in the reference.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection for independent claim 15, as amended, as well as those claims which depend therefrom.

Rev. 9/04

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (360) 212-8052.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AF Commissioner for Patents, P.O. BOX 1450 Alexandria, VA 22313-1450, on this 28th day of October, 2004.

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